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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,912	01/11/2002	Timothy Jay Smith	9D-EC-19746/064853.027	4769

29391 7590 04/25/2006

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EXAMINER	
HAQ, NAEEM U	

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/042,912	SMITH, TIMOTHY JAY	
	Examiner	Art Unit	
	Naeem Haq	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is in response to the Applicant's amendment filed February 3, 2006. Claims 5-7 have been cancelled. Claims 1-4 and 8 are currently pending and will be considered for examination.

The amendment to claim 4 is sufficient to overcome the objection to the claim. The claim objection is hereby withdrawn.

Final Rejection

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panelli et al. (US 2002/0095345 A1) ("Panelli") in view of Chen et al. "Manufacturer-supplier relationship in a JIT environment" ("Chen").

Referring to claim 1: Panelli discloses a computer-based method for managing delivery of goods from a supplier to a buyer, said computer-based method programmed to accommodate a situation that arises when the buyer requests an update to an order placed by the buyer, said delivery generally involving at least one delivery agent, at least one store, at least one supplier, and a buyer (Figure 3), wherein the at least one

store and the at least one supplier are accessible through a communications network (Figure 3), said method comprising:

- providing a Web page including a first data filed for inputting an original purchase order identifier for identifying an order originally placed by the buyer (Figure 6, item "128");
- providing a second data field in the Web page for inputting a new purchase order identifier for identifying an updated order placed by the buyer (Figure 6, item "118");
- processing the original purchase order identifier for retrieving original order information associated with said original purchase order (paragraph [0052]: "The purchase order information is used by the electronic information system 64 in billing the customer...");
- processing the new purchase order identifier for retrieving updated order information associated with said updated order (Figure 12; paragraph [0059]).

Panelli does not disclose a plurality of buyers, or that the delivery agent is accessible through a communications network. However, the Examiner notes that this limitation appears only in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*,

187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). In the present case, the body of the claim does not depend on the preamble for completeness because the steps of the method can be performed without a plurality of buyers or without a delivery agent that is accessible through a communications network. Panelli also does not disclose the step of relating said new purchase order identifier to an original delivery slot assigned to the original purchase order, or the step of assigning the original delivery slot to the updated order so that said original delivery slot is kept notwithstanding modifications made by buyer to the original order. However, Chen discloses a purchase order that has delivery schedule (i.e. delivery slot) (page 6, paragraph 4). Furthermore, Chen discloses that "In a JIT system where buffer stocks have been removed, dependable deliveries are vital, as failure of a supplier to keep to a delivery schedule could close down a line." (page 5, paragraph 2). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to relate the new purchase order identifier to an original delivery slot assigned to the original purchase order, and to assign the original delivery slot to the updated order so that said original delivery slot is kept notwithstanding modifications made by buyer to the original order. One of ordinary skill in the art would have been motivated to do so in order to ensure dependable delivery service from a supplier to a manufacturer so that a production line did not close down, as taught by Chen.

Referring to claim 2: The cited prior art teaches or suggests all of limitations of claim 1 as noted above. The cited prior art does not disclose that the original order information comprises demographic data of the buyer, model number, quantity of

goods, brand of the good, and desired installation services. However, the Examiner notes that these limitations are not functionally involved in the steps of the recited method. Therefore these limitations are deemed to be nonfunctional descriptive material. The steps of providing, retrieving, and relating would be performed the same regardless of what information the purchase order contained. The differences between the content of the Applicant's purchase order and the prior art are merely subjective. Thus this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994)* also see MPEP 2106. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to place any information in the purchase order of Metcalfe because such information does not functionally relate to the steps of the recited method because the subjective interpretation of information does not patentably distinguish the claimed invention.

Referring to claim 3: The cited prior art teaches or suggests all of limitations of claim 1 as noted above. Furthermore, Chen discloses that "In a JIT system where buffer stocks have been removed, dependable deliveries are vital, as failure of a supplier to keep to a delivery schedule could close down a line." (page 5, paragraph 2). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to enable a delivery agent to maintain an originally scheduled delivery of the goods. One of ordinary skill in the art would have been motivated to do

so in order to ensure dependable delivery service from a supplier to a manufacturer so that a production line did not close down, as taught by Chen.

Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panelli et al. (US 2002/0095345 A1) ("Panelli") in view of Chen et al. "Manufacturer-supplier relationship in a JIT environment" ("Chen") and further in view of King et al. (US 2003/0110104 A1) ("King").

Referring to claim 4: The cited prior art teaches or suggests all of limitations of claim 1 as noted above. The cited prior art does not teach relating buyer demographic data included in the original purchase order information to buyer demographic data in the new purchase order information, or validating that said original and updated orders correspond to the same buyer based on said buyer demographic data relating action. However, King teaches an enhanced inventory process wherein a supply chain server validates specific fields in a purchase order such as part number and quantity ([0093]). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of King into the process of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to ensure that the appropriate part was available, as taught by King ([0093]). The cited prior art does not teach that the validation is based on buyer demographic data. However, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to use buyer demographic data in the validation process. Applicant has not disclosed that buyer demographic data provides an advantage, is used for a particular purpose or solves a stated problem. Furthermore, one of ordinary

skill in the art would have expected Applicant's invention to perform equally well with the data of the cited prior art because the cited prior art also performs a validation process on a purchase order. Therefore, it would have been obvious to one of ordinary skill in this art to modify the cited prior art to obtain the invention as specified in the claims.

Referring to claim 8: Claim 8 is rejected under the same rationale as set forth above in claims 1 and 4.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Fadok can be reached on (571)-272-6755. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Naeem Haq, Patent Examiner
Art Unit 3625

April 18, 2006

J. C. Gatt
Primary Ex.